

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TELLY ROYSTER,	)	
	)	
Plaintiff,	)	Civil Action No. 08-1297
	)	
v.	)	Chief Judge Ambrose
	)	Magistrate Judge Bissoon
COL CUMMINGS, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

Telly Royster's Complaint filed pursuant to 42 U.S.C. § 1983 was received by the Clerk of Court on September 17, 2008, and was referred to United States Magistrate Judge Cathy Bissoon for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report, filed on July 31, 2009, recommended that the Motion to Dismiss filed by Defendants (Doc. 20) be granted in part and denied in part, but that Plaintiff be permitted to amend his Complaint to plead additional facts concerning his retaliation claim. The parties were allowed ten days from the date of service to file objections. Royster filed objections on August 19, 2009 (Doc. 28).

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the Objections filed thereto, the following ORDER is entered:

AND NOW, this 28<sup>th</sup> day of Aug., 2009,

IT IS HEREBY ORDERED that Defendants' Motion to Dismiss  
(Doc. 20) is GRANTED IN PART AND DENIED IN PART.

IT IS FURTHER ORDERED that Plaintiff may amend his Complaint  
on or before September 21, 2009, to include new allegations  
regarding his retaliation claim.

The Report and Recommendation of Magistrate Judge Bissoon  
(Doc. 27) is adopted as the opinion of the court.



s/Donetta Ambrose

Donetta Ambrose

Chief U.S. District Court Judge